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10/512,006

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Kjell Lindskog

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EXAMINER

GALL, LLOYD A

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/512,006
Filing Date: April 20, 2005
Appellant(s): LINDSKOG, KJELL

Mark P. Stone
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed June 2, 2008 appealing from the Office action mailed October 3, 2007.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences. The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct. It is noted that the Third Amendment After Final filed on May 29, 2008 has been entered.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

6,497,186

LUNDBLAD

12-2002

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 1-9, 12 and 13 are rejected under 35 U.S.C. 102(e) as being anticipated by Lundblad (6,497,186).

Lundblad teaches both an arrangement and a method of use in a depositing machine, including a storage space within the interior of casing 101, the casing having plural collecting devices defined as drums 30 for storing valuable documents on the drums with the aid of a carrier film or foil defined by the belts of column 2, line 14. Each drum is housed within a collecting vessel 11-17, which collecting vessels 11-17 are all located within the storage space interior of casing 101. The collecting vessel(s) receive the destructive agent when it is released from a destructive agent container 31 or 32 by an alarm signal. The fuses 3113 and 3213 in fig. 3 define a puncturing means for the nets 3113 and 3212 of the container 31, 32. At least one of the containers 31, 32 in fig.

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3 is mounted above the bottom of the collecting vessel 11-17 in which the drum(s) is mounted. Even if the device of fig. 3 were mounted horizontally within a vessel 11-17, at least a portion of the container(s) 31, 32 would be above the valuable documents and the bottom and an opening portion of the collecting vessel 11-17. The limitations of claim 5 are disclosed in column 1, lines 58-60.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 10, 11 and 14-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lundblad (6,497,186).

The casing 101 of Lundblad defines a depositing machine. It would have been an obvious matter of design choice to employ the teachings of Lundblad in plural well known machines similar to the machine of Lundblad, the motivation being to prevent tampering with valuable document machines.

(10) Response to Argument

In response to appellant's remarks beginning on page 8, the second full paragraph, it is resubmitted that the Lundblad reference teaches all of the claimed structure and method limitations of claims 1-20 under Appeal. In lines 4-6 of this second paragraph of page 8, applicant argues that Lundblad teaches a plurality of storage spaces. This is argued by the examiner as being inaccurate in the prior art rejection using the Lundblad reference. It is noted that independent claims 1 and 6

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claim one storage space. The examiner clearly relies on the outer casing 101 of Lundblad as the storage space in the rejection of the claims. Appellant also argues in lines 7-8 of the second full paragraph of the remarks that Lundblad does not teach a collecting vessel “in each storage space”. Again it is noted by the examiner that multiple storage spaces are not being claimed. Accordingly, the Lundblad reference need not teach multiple storage spaces, each including a collecting vessel. It is submitted that the claims are drawn to one storage spaces, one collecting device, and one collecting vessel. These elements in appellant’s disclosure correspond to one storage space (any of elements 10-13), one collecting device defined by a drum 30, and one collecting vessel (50). The Lundblad reference has been relied upon by the examiner as teaching one storage space (defined by the outer casing 101), one collecting device (defined by a drum 30) and one collecting vessel (defined by any of elements 11-17), each of which receives one of the drums. Lundblad also teaches a destructive agent container 31 or 32 which is actuated by an alarm signal, which container is punctured such that the destructive agent destroys the valuable documents which are wound upon the drum 30, wherein the destructive agent is then collected by the collecting vessel 11-17 below its associated drum 30.

In response to the remarks on page 9, the first full paragraph of the Brief, it is resubmitted that the containers 31 or 32 of Lundblad clearly teach a destructive container in fluid communication with a collecting vessel, which collecting vessel is located below an associated drum.

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With respect to the argument on page 9, lines 16-19, the examiner resubmits that the Lundblad reference teaches a destructive agent container 31 or 32 in fluid communication with a collecting vessel 11-17, and a collecting device (drum 30) within the storage space 101, the collecting device 30 being ("at least partially" as set forth in claim 1) received within the collecting vessel 11-17.

In the first full paragraph of page 10, lines 6, 9 and 24, appellant argues that the collecting vessels 11-17 relied upon by the examiner in the Lundblad reference are clearly comparable to the drums of appellant's invention, and are not "separate elements" from the collecting devices. It is resubmitted by the examiner that the storage space 101, collecting vessel 11-17, collecting device (drum 30) and destructive agent container 31,32 of Lundblad do teach separate elements, and it is noted that the claims are silent as to any "separate elements" language.

Accordingly, the Lundblad reference is regarded as being properly relied upon in teaching all of the claim limitations argued by appellant.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/Lloyd A. Gall/

Primary Examiner, Art Unit 3673

August 16, 2008

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Conferees:

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